

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv0794-BB

RIO CHAMA STREAM SYSTEM
Section 7: Village of Chama

Subfile No. CHCV-001-0008

MOTION FOR SUBSTITUTION OF PARTIES

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. Pro. 25(c) moves the Court to issue its order substituting Friends of Cumbres & Toltec Scenic Railroad, Inc. for defendant Roxanne M. Gonzales in these proceedings and as grounds states the following:

1. Roxanne M. Gonzales no longer is the owner of any lands mapped under subfile CHCV-001-0008. The irrigated lands mapped under this subfile are now owned, in part, by Friends of Cumbres & Toltec Scenic Railroad, Inc. as shown by the deed dated September 6, 2006, filed with the Rio Arriba County Clerk on September 9, 2006, Book 529, Page 7127. There are significant errors in the ownership and mapping of the lands in subfile CHCV-001-0008, and in the Consent Order for this subfile filed on February 23, 2004 (Doc. 7413). The State has been in contact with Friends of Cumbres & Scenic Railroad, Inc. and other parties in order to correct these errors.

WHEREFORE the State requests the Court to enter its order substituting Friends of Cumbres & Toltec Scenic Railroad, Inc. for defendant Roxanne M. Gonzales in these proceedings.

Dated: March 25, 2009

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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Office of State Engineer
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(505) 867-7444 phone
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25rd day of March, 2009 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Friends of Cumbres & Toltec Scenic Railroad, Inc.
6005 Osuna Rd. NE
Albuquerque, NM 87109

/s/ Ed Newville
EDWARD G. NEWVILLE